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10/582,052	11/22/2006	Kimihiro Mabuchi	19461-004US1 547267	2047
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EXAMINER				
CHRISTIAN, MARJORIE ELLEN				
ART UNIT		PAPER NUMBER		
1797				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PATDOCTC@fr.com

Response to rejection

Applicant's arguments filed 7/20/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claims. Namely, that the outer surface is only a portion of the total outer surface of the hollow fiber (Applicant suggests that the outer surface does not include the inner lumen which is also exposed to an outer atmosphere). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Recitation of "outer" surface refers to the surface being exposed to the outer atmosphere and not another layer of the hollow fiber; FUKU's surface, that contains the predominant amount of PVP, is exposed to blood and therefore is an outer surface. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's choice of words in the claim makes it much broader than the argument portrays.

Applicant argues that it would not be obvious to combine the hollow fiber membranes of VAN HOF'T with FUKU to arrive at the instant claims. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would be obvious to use the teaching of a hollow fiber membrane made from similar materials (VAN HOF'T) to optimize pore size.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARJORIE CHRISTIAN whose telephone number is (571)270-5544. The examiner can normally be reached on Monday through Thursday 7-5pm (Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571)272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MC

***/Krishnan S Menon/
Primary Examiner, Art Unit 1797***